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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,064	10/11/2005	Ingo Kalliske	076326-0303	3373

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EXAMINER

AMORES, KAREN J

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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08/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,064

Applicant(s)

KALLISKE ET AL.

Examiner

Karen J. Amores

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/06/2005, 2/01/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 18 – 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Regarding claim 18, the phrase "especially" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.
6. Regarding claim 21, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 2 – 4 are rejected under 35 U.S.C. 102(a) as being anticipated by Knaggs, G.B. 2 372 536 (“Knaggs”). Knaggs discloses a hinge for connecting a hood to a vehicle body, having at least one hinge carrier (13) arranged on the vehicle body, one hinge arm (12) arranged on the hood, and two connecting parts (15 and 18) for the pivotal connection of the hinge arm to the hinge carrier, wherein the hinge is configured so that the connection of the hinge arm to the hinge carrier is released in the event of an accident by destruction of the connecting part due to forces acting in a direction of a pivot axis of the hinge.

9. In reference to claims 3 and 4, Knaggs further discloses the connecting part is designed as a shear bolt (18); and guided in one socket (x – x) on the hinge arm and one socket (18) on the hinge carrier, and in the event of an accident, is removed from one socket (18).

10. Claims 2, 4 – 13, and 16 – 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuura et al. U.S. 6,182,782 (“Matsuura”). Matsuura discloses a hinge for connecting a hood to a vehicle body, having at least one hinge carrier (22) arranged on the vehicle body, one hinge

Art Unit: 3616

arm (27) arranged on the hood, and at least one connecting part (26 and 28) for the pivotal connection of the hinge arm to the hinge carrier, wherein the hinge is configured so that the connection of the hinge arm to the hinge carrier is released in the event of an accident by removal of the connecting part due to forces acting in a direction of a pivot axis of the hinge.

11. In reference to claims 4 – 13 and 16 – 17, Matsuura further discloses the connecting part is guided in one socket (232) on the hinge arm and in one socket (22b) on the hinge carrier, and in the event of an accident, is removed from one socket (232); wherein the connecting part is designed as a bolt (26) which is pulled out of one of the sockets (232); one actuating device (21) provided for actuating the connecting part in the event of an accident; wherein the actuating device comprises a pyrotechnic element (21); wherein the actuating device is a gas-conducting element; wherein the gas conducting element acts on the connecting part via transmission element (27); wherein the hinge carrier has one socket which corresponds to the connecting part and is configured to release the connecting part in the event of an accident; wherein the hinge carrier has at least one movable hinge carrier part (23 and 28) which in the event of an accident is moved in relation to a fixed hinge carrier part (22) in such a manner that the connecting part accommodated therein comes free; wherein at least one limiting device (22c and d) is arranged for limiting the relative movement between the hinge carrier and hinge arm; and wherein the limiting device is a lever guided in a coulisse.

12. In reference to claim 18, Matsuura discloses an airbag for opening a hood connected by a hinge to a vehicle body, wherein the airbag is configured to release the hood from the vehicle body when deployed in the region of the hinge (fig. 29).

Art Unit: 3616

13. Claims 18 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Son, U.S. 6,668,962 (“Son”). Son discloses an airbag for opening a hood connected by a hinge to a vehicle body, wherein the airbag is configured to release the hood from the vehicle body when deployed in the region of the hinge (fig. 3).

14. In reference to claims 19 and 20, Son further discloses the airbag regions are arranged directly on the hinge (fig. 2); and wherein the airbag, when deployed, is first of all deployed in the regions arranged on the hinge (fig. 3).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura in view of Knaggs. Matsuura discloses the connecting part disengaged from the hinge carrier. Matsuura does not disclose the hinge arm having a deformation region. Knaggs teaches a deformation region (17) for the specific deformation of a hinge arm (11) in the event of an accident. Knaggs further teaches the connecting part is disengaged by deformation of the hinge arm. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Matsuura such that it disclosed the hinge arm having a deformation region in view of the teachings of Knaggs so as to absorb energy after release of the connecting means (page 1, paragraph 6).

17. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura in view of Debler et al. U.S. 2003/0001366 ("Debler"). Matsuura discloses a gas-conducting system (4) conducting the gas used for the deployment into an airbag region. Matsuura does not directly disclose the airbag first deployed in the region arranged on the hinge. Debler teaches a gas lance (54) arranged in the interior of an airbag (52), conducting gas used for the deployment into the airbag regions, in combination, to first deploy the regions arranged on the hinge. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Matsuura's airbag across the width of the vehicle (column 1, line 22) such that it disclosed the gas lance in view of the teachings of Debler so as to arrange outflow more rapidly in the side areas [0051] and to control the unfolding of the airbag as desired [0054].

Conclusion

References considered pertinent to Applicants' disclosure are listed on form PTO – 892 and cited in their entirety.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen J. Amores whose telephone number is (571)-272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571)-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KJA
15 August 2007


TONY WINNER
PATENT EXAMINER
8/15/07

Karen J. Amores
Examiner
Art Unit 3616